

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Petition of SunCom Wireless, Inc. for Designation	)	
as an Eligible Telecommunications Carrier in	)	
Georgia, North Carolina, Tennessee, and Virginia	)	
	)	
To: Wireline Competition Bureau	)	

**COMMENTS OF TDS TELECOMMUNICATIONS CORP.**

TDS Telecommunications Corp. (TDS Telecom), parent company of Barnardsville Telephone Company, Saluda Mountain Telephone Company, and Service Telephone Company (the TDS RLECs), submits these comments on the Petition of SunCom Wireless, Inc. (SunCom) for Designation as an Eligible Telecommunications Carrier (ETC) in Georgia, North Carolina, Tennessee, and Virginia.<sup>1</sup> We urge the Bureau, in its review of the SunCom Petition, to apply rigorously the most current standards for designation of eligible telecommunications carriers set forth by the Commission.<sup>2</sup>

As an initial matter, we ask the Bureau to defer decision on the Petition until after the Commission resolves the pending Petitions for Reconsideration of the *ETC Designation Order* (ETC Recon Petitions).<sup>3</sup> Issues raised in the Petition for Reconsideration filed by the Independent Telephone and Telecommunications Alliance (ITTA), the Western

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<sup>1</sup> Petition of SunCom Wireless, Inc. for Designation as an Eligible Telecommunications Carrier in Georgia, North Carolina, Tennessee, and Virginia, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45 (filed June 23, 2005; Public Notice July 6, 2005) (SunCom Petition).

<sup>2</sup> See Report and Order, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, 20 FCC Rcd 6371 (2005) (*ETC Designation Order*), *petitions for reconsideration pending*.

<sup>3</sup> See Public Notice, Petitions for Reconsideration of Action in Rulemaking Proceeding, Report No. 2719 (July 8, 2005) (listing pending Petitions for Reconsideration of the *ETC Designation Order*).

Telecommunications Alliance (WTA), and TDS Telecom could have a significant impact on the criteria that govern review of the SunCom Petition.<sup>4</sup> Issues that could affect resolution of the SunCom Petition include: (1) whether review of the SunCom Petition will be governed by the criteria set forth in the *ETC Designation Order* or by the interim *Virginia Cellular/Highland Cellular* standard<sup>5</sup>; (2) the scope of commitments SunCom may be required to make with respect to network build-out in the service areas in which it is seeking ETC designation<sup>6</sup>; and (3) the criteria the Bureau may be required to consider in evaluating the overall impact on the Universal Service Fund (USF or Fund) of designation of SunCom as a competitive ETC in the requested service areas.<sup>7</sup> Until these issues are resolved by the Commission, the Bureau should not jeopardize the integrity of the USF by designating competitive ETCs that may not satisfy public interest standards ultimately adopted by the Commission for ETC designation.

To the extent that the Bureau proceeds with evaluating the SunCom Petition prior to resolution of the ETC Recon Petitions, the Bureau should apply the ETC designation criteria set forth in the *ETC Designation Order*. As noted in the ITTA/WTA/TDS Recon Petition, it would be unreasonable for the Bureau to designate an ETC and authorize the distribution of USF

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<sup>4</sup> See Petition for Reconsideration of the Independent Telephone and Telecommunications Alliance, the Western Telecommunications Alliance, and TDS Telecommunications Corp., *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45 (filed June 24, 2005) (ITTA/WTA/TDS Recon Petition).

<sup>5</sup> See *id.* at 18 (seeking reconsideration of 47 C.F.R. § 54.202(b), which permits petitions for ETC designation filed prior to the effective date of the rules adopted in the *ETC Designation Order* to be granted without satisfying the criteria set forth in the *ETC Designation Order*, subject to a showing of compliance with the new criteria by October 2006).

<sup>6</sup> See *id.* at 3-6 (seeking reconsideration of the provisions in the *ETC Designation Order* obligating ETC petitioners to submit a five-year network build-out plan committing to make “network improvements” in all wire centers in which the petitioner is seeking ETC designation and requesting that ETC petitioners be required to demonstrate their commitment to achieving full network coverage, consistent with state carrier-of-last resort requirements, throughout the designated service area(s)).

<sup>7</sup> See *id.* at 7-12 (asking the Commission to adopt specific criteria to enable the aggregate effect of ETC designations on the USF to be taken into account in the context of individual petitions for ETC designation).

funds to such ETC for a period during which the carrier does not meet the minimum eligibility criteria the Commission has adopted to protect the integrity of the Fund.<sup>8</sup>

Finally, in evaluating the SunCom Petition, the Bureau should examine in detail whether the SunCom coverage map and network improvement plan evidence a genuine commitment to provide universal service throughout the TDS RLEC service areas. It appears from the coverage map submitted with the SunCom Petition, which does not show the service areas in which SunCom is seeking ETC designation,<sup>9</sup> that the TDS RLEC service areas are at the edge of SunCom's current network coverage area.<sup>10</sup> Moreover, because the bulk of SunCom's five-year network improvement plan (SunCom Network Plan) is redacted from public inspection,<sup>11</sup> TDS Telecom cannot evaluate whether the SunCom Network Plan evidences a genuine intention on the part of SunCom to provide supported services throughout the TDS RLEC service areas. To fully implement the requirement in the *ETC Designation Order* that petitioners for ETC designation must "demonstrate [the] commitment and ability to provide supported services throughout the designated service area,"<sup>12</sup> it is critical that the SunCom coverage map and Network Plan be subject to rigorous scrutiny. We urge the Bureau either to apply this rigorous scrutiny on its own or, preferably, to issue a protective order establishing a process through which TDS Telecom may review, evaluate, and comment on the SunCom Network Plan.

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<sup>8</sup> See *id.* at 18.

<sup>9</sup> SunCom Petition, Ex. C.

<sup>10</sup> See Attachment 1, map of Telephone Companies in North Carolina. The TDS RLEC service areas are shown in blue.

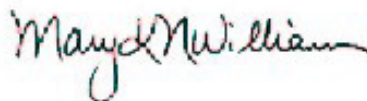
<sup>11</sup> SunCom Petition, Ex. E.

<sup>12</sup> *ETC Designation Order*, 20 FCC Rcd at 6380 [¶ 21].

The steps recommended above are essential to give full effect to the Commission's goal in the *ETC Designation Order* of establishing "a more rigorous ETC designation process" that "will improve the long-term stability of the universal service fund."<sup>13</sup> Accordingly, TDS Telecom urges the Bureau (1) to defer consideration of the SunCom Petition until after the Commission has resolved the ETC Recon Petitions; (2) to apply the criteria set forth in the *ETC Designation Order* to the SunCom Petition; and (3) to rigorously evaluate, or to establish a process through which TDS Telecom may evaluate, the SunCom coverage map and Network Plan to determine whether they evidence a true commitment and ability to provide service throughout the TDS RLEC service areas.

Respectfully submitted,

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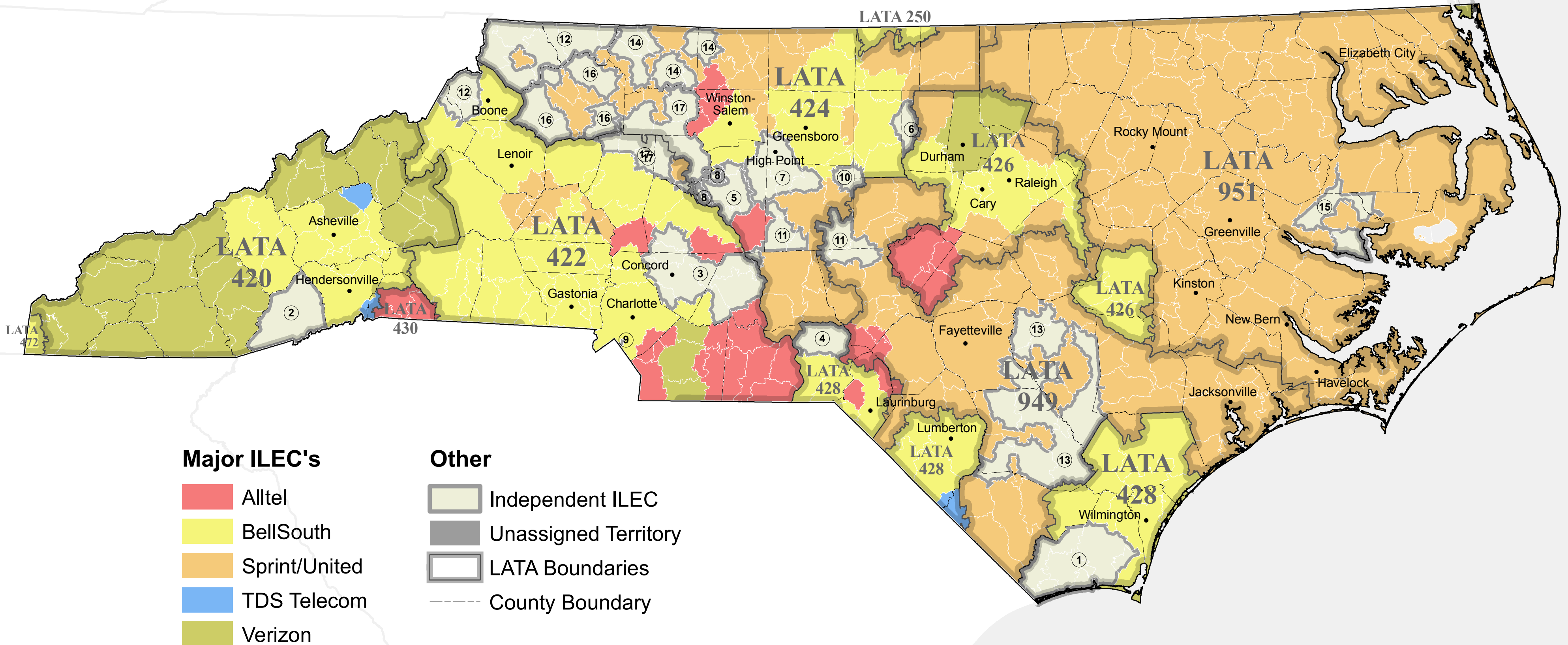
July 20, 2005

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<sup>13</sup> *Id.* at 6372 [¶ 2].

# **ATTACHMENT 1**

# Telephone Companies In North Carolina



## Independent ILEC Companies

- |                            |                             |                                  |
|----------------------------|-----------------------------|----------------------------------|
| 1, ATLANTIC TEL MEMBERSHIP | 7, NORTH STATE TEL          | 13, STAR TEL MEMBERSHIP          |
| 2, CITIZENS TEL            | 8, PIEDMONT TEL MEMBERSHIP  | 14, SURRY TEL MEMBERSHIP         |
| 3, CONCORD TEL             | 9, PINEVILLE TEL            | 15, TRI-COUNTY TEL MEMBERSHIP    |
| 4, ELLERBE TEL             | 10, RANDOLPH TEL            | 16, WILKES TEL MEMBERSHIP        |
| 5, LEXCOM TEL              | 11, RANDOLPH TEL MEMBERSHIP | 17, YADKIN VALLEY TEL MEMBERSHIP |
| 6, MEBTEL                  | 12, SKYLINE TEL MEMBERSHIP  |                                  |

